

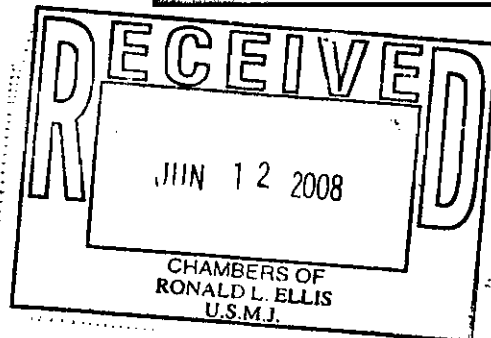
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MEMO ENDORSEDBY HAND

June 11, 2008

Honorable Ronald L. Ellis
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1970
New York, NY 10007



Re: *Electric Visual Evolution, LLC v. Electric Eel, Inc.*
07 Civ. 9321 (PKC)(RLE)
Our Ref. No. 112.201

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Honorable Judge Ellis:

We are counsel for Plaintiff Electric Visual Evolution, LLC ("Electric Visual") in the above-referenced action. Further to our discussion during the May 8, 2008 settlement conference and our prior reporting letter dated May 22, 2008, Electric Visual submits this letter jointly with Defendant Electric Eel, Inc. ("Electric Eel") to update Your Honor with regard to settlement activities.

The parties have exchanged proposed settlement agreements and are actively negotiating the key terms. Based on discussions to date, both sides remain hopeful that settlement can be reached.

However, given that the current scheduling order requires all fact discovery to be served and completed by August 5, 2008, the parties are concerned that there will not be sufficient time to complete discovery should ongoing settlement efforts prove unsuccessful. Moreover, the current order requires the parties to meet on July 4, 2008 (30 days prior to the close of the discovery period) to confer on the scheduling of expert disclosures and other matters concerning expert discovery. Accordingly, the parties respectfully request that Your Honor intercede on their behalf and approach Judge Castel to further enlarge the discovery period. Specifically, the parties request that the Court enter a new Order granting 90 days from the date of such Order for completion of all fact discovery.

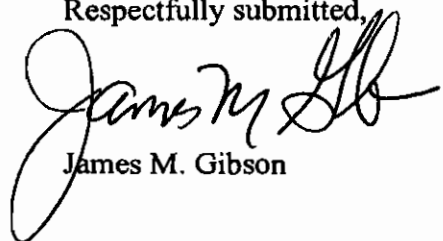
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The discovery period has already been extended once by Judge Castel, from an original date of June 5, 2008 to August 5, 2008, because the parties were actively pursuing settlement, including two settlement conferences before Your Honor.

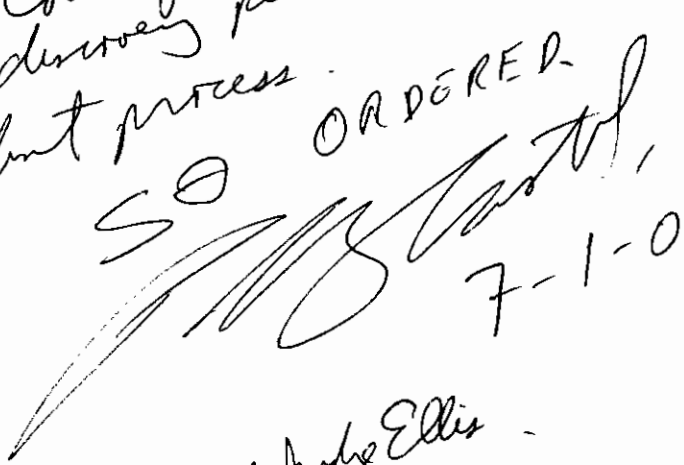
The parties thank you again for your assistance in settling this matter. If Your Honor requires any additional information or has any additional questions, please contact the undersigned.

Respectfully submitted,



James M. Gibson

cc: Charles P. LaPolla, Esq. (By Facsimile)
Hon. P. Kevin Castel (By Hand)

*This Court grants a 45 day extension
of the discovery period in aid of the
settlement process.*
SO ORDERED.

7-1-08
VSDJ
cc Magistrate Judge Ellis